

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

JOHN DOE,)	
)	
Plaintiff)	
)	
v.)	CASE NO. 3:21-cv-00144-TWP-MPB
)	
UNIVERSITY OF SOUTHERN INDIANA,)	
)	
Defendant)	

**PLAINTIFF’S THIRD MOTION TO SUPPLEMENT PRELIMINARY
INJUNCTION EVIDENTIARY SUBMISSION**

Comes now Plaintiff, by counsel, and moves the Court for leave to supplement his evidentiary designations in support of his Motion for Preliminary Injunction and in response to Defendant University of Southern Indiana’s supplemental evidence deemed filed by this Court on February 3, 2020. [ECF Nos. 129, 128-1, 128-2]. In support, Plaintiff states as follows:

1. On February 2, 2022, Defendant University of Southern Indiana (“USI”) filed its Motion to Supplement Preliminary Injunction Evidentiary Record (“Motion”). [ECF No. 128].
2. USI’s Motion sought to submit the affidavits of Alexandra Eaton, USI Associate Director of Athletics, and Joanna Riney, USI Associate Director of Student Financial Assistance, as evidence of Plaintiff’s academic and athletic status at USI. [ECF Nos. 128-1, 128-2].
3. This Court granted USI’s Motion and the affidavits were deemed filed in opposition to Plaintiff’s Motion for Preliminary Injunction on February 3, 2022. [ECF No. 129].
4. In light of USI’s supplemental evidence concerning Plaintiff’s academic and athletic status at USI, Plaintiff seeks leave to supplement the record with further evidence

concerning the same and the relevant surrounding circumstances so that the Court has before it all material evidence regarding Plaintiff's status as a USI student and athlete.

5. Accordingly, the sworn affidavit of Plaintiff is submitted herewith as Exhibit 1, and the sworn affidavit of Robert Burkart is submitted herewith as Exhibit 2.

WHEREFORE, Plaintiff respectfully requests an Order deeming Exhibit 1 and Exhibit 2 as filed in support of Plaintiff's Motion for Preliminary Injunction.

Respectfully submitted,

ZIEMER, STAYMAN, WEITZEL & SHOULDERS, LLP

By: /s/ Kristen E. Hahn

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CERTIFICATE OF SERVICE

I certify that on February 11, 2022, a copy of the foregoing motion was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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/s/ Kristen E. Hahn

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